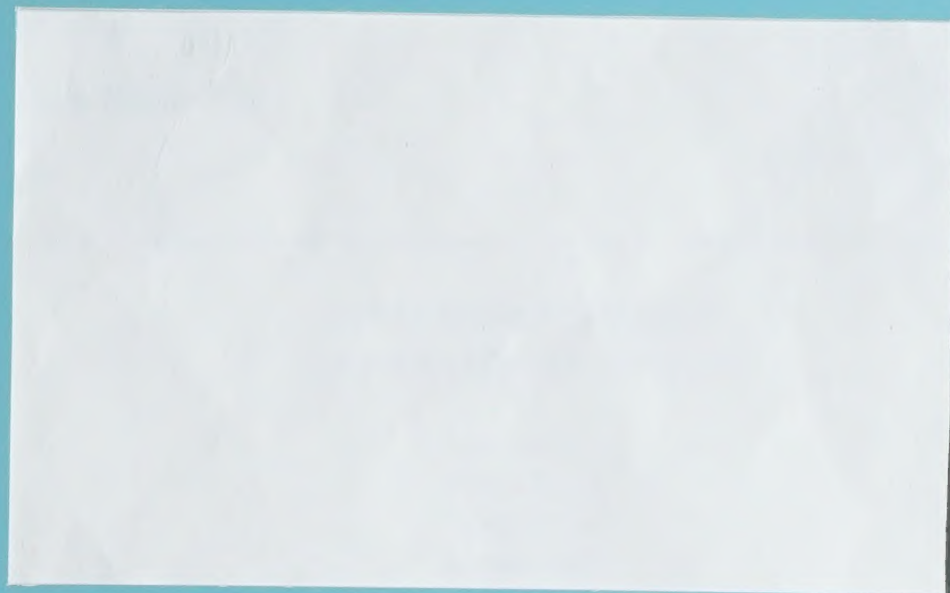
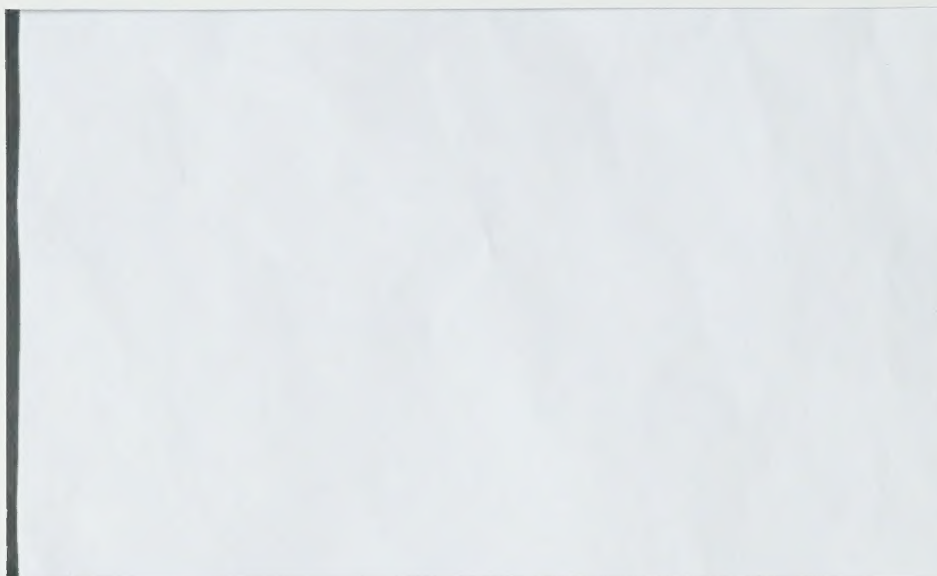


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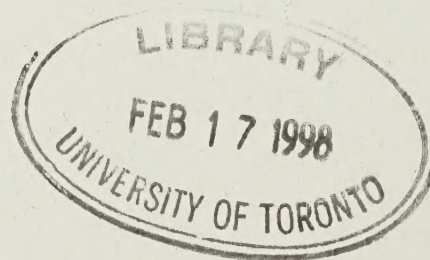
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REFERENDA IN CANADA AND THE UNITED STATES


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INTRODUCTION

Referenda are key tools linking citizens to governments. They provide opportunities for participation in the determination of public policy and provide a means of holding governments accountable for specific policy decisions. In Canada, referenda play important roles in national unity, as witnessed by the recent referenda on sovereignty in Quebec in 1995 and on the Charlottetown Accord in 1992. In the United States, citizens vote on numerous referenda in every state-wide election.

In Ontario, the debate over the use of referenda was recently rekindled by the provincial government's 1996 consultation paper entitled *Your Ontario, Your Choice: A Preliminary Look at the Referendum Alternative*. The Standing Committee on the Legislative Assembly used the paper as the basis for public hearings in September and November 1996. The Committee recommended in its final report in June 1997 that the government introduce legislation authorizing the holding of provincial referenda.

The paper provides basic information on how referenda can be and have been conducted in Canada and the United States through a series of detailed tables. It describes the provisions for referenda in Canada (Tables One and Two) and the United States (Table Five). It also briefly describes the substance and outcomes of Canadian referenda (Table Three) and American referenda held in 1996 (Table Six).

In this paper, referenda is used to describe both binding and non-binding votes.

REFERENDA IN CANADA

Table One lists a variety of Canadian statutes which authorize the use of referenda. At the federal and provincial/territorial levels, fifteen statutes permit jurisdiction-wide referenda on a variety of issues, including constitutional amendments and open-ended questions. At the local level, all provinces have a *Municipal Act* (or the equivalent) which authorizes municipalities to submit by-laws and/or questions on any municipal matter to a vote of the electors.¹ Where a municipality voluntarily seeks the opinion or assent of the electors under this authority, council is not usually bound by the results of the vote.² By contrast, where a municipality is required by law to obtain the assent of electors to specific types of by-laws, the vote is usually binding on the council.³

As Table One shows, other statutes permit municipalities to hold referenda on issues beyond municipal by-laws. For example, all provinces/territories except New Brunswick, Prince Edward Island, Newfoundland and Yukon

make provision in their *Liquor Control Act* (or its equivalent) for local electors to vote on whether or not to allow a municipality to authorize the sale of liquor.

Table Two provides details of how Canadian referenda legislation with jurisdiction-wide applicability function, including who can initiate a referendum and whether or not the results are binding on the government.

Table Three contains a record of all federal, provincial and territorial referenda held to date in Canada. As the table shows, most referenda conducted in the first half of this century dealt with the issue of alcohol sales. Referenda in the latter half of this century have dealt with a wide range of issues, including constitutional questions, initiative and recall proposals, and daylight savings time.

Table Four includes a list of some municipal referenda recently held in Ontario which were covered by the press. The results of these referenda were confirmed with relevant municipal officials. *This is not a comprehensive list of municipal referenda; rather, these are included merely to illustrate the type and range of referenda currently held in Canada at the municipal level.* Unfortunately, there is no “master list” of all municipal referenda held in Canada to date.

REFERENDA IN THE UNITED STATES

In the United States, there are no provisions for referenda at the national level. At the state level, two basic types are held. An initiative occurs when an individual, group or organization gathers and submits a sufficient number of valid petition signatures to have a proposed measure placed on the ballot. This measure may be a proposed state law or a proposed amendment to the state constitution. There are three types of initiatives:

- direct initiatives (DI), which exist in 19 states, allow citizens to place a measure directly on the ballot with the sufficient number of signatures;
- indirect initiatives (II), which exist in 11 states, allow citizens to place a measure for a vote before the legislature. If the legislature passes it, the measure becomes law. If it does not, the measure is placed on the ballot;
- popular referenda (PR), which exist in 23 states, allow citizens to require a bill passed by the legislature to be ratified by electors before it becomes law;

The second type of state-level referenda is called a referred measure (RM). As the name implies, this type of referenda is initiated by the legislature itself and involves the legislature placing a proposed constitutional amendment (in 50 states) or statute (in 24 states) before the electors for approval.

Table Five describes each state's referenda provisions. Table Six briefly describes the substance and outcome of the 233 state ballot measures voted on in the 1996 state elections. Issues ranged from constitutional amendments, to the issuance of bonds, and changes to the tax system.

**TABLE ONE: CANADIAN LEGISLATIVE PROVISIONS FOR
REFERENDA**

Jurisdiction	Statute
Canada	<i>Referendum Act</i>
Alberta	<i>Alberta Taxpayer Protection Act</i> <i>Constitutional Referendum Act</i> <i>Election Act</i> <i>Gaming and Liquor Act</i> <i>Local Authorities Election Act</i> <i>Municipal Government Act</i>
British Columbia	<i>Constitutional Amendment Approval Act</i> <i>Recall and Initiative Act</i> <i>Referendum Act</i> <i>Municipal Act</i> <i>Library Act</i> <i>Liquor Control and Licensing Act</i> <i>Natural Products Marketing Act</i> <i>Milk Industry Act</i> <i>Vancouver Charter</i>
Manitoba	<i>Balanced Budget, Debt Repayment and Taxpayer Protection and Consequential Amendments Act</i> <i>Local Authorities Election Act</i> <i>Municipal Act</i> <i>Municipal Board Act</i> <i>Public Utilities Board Act</i> <i>Liquor Control Act</i> <i>Public Schools Act</i> <i>Lord's Day Act</i>
New Brunswick	<i>Elections Act</i> <i>Municipalities Act</i> <i>Municipal Elections Act</i> <i>Schools Act</i>
Newfoundland	<i>Elections Act</i> <i>Municipalities Act</i> <i>City of St. John's Act</i> <i>City of Corner Brook Act</i> <i>City of Mount Pearl Act</i>
Nova Scotia	<i>Election Act</i> <i>Municipal Act</i> <i>Municipal Elections Act</i> <i>Towns Act</i> <i>Village Service Act</i> <i>Municipal Boundaries and Representation Act</i> <i>Liquor Control Act</i>

Jurisdiction	Statute
Ontario	<i>Municipal Act</i> <i>Municipal Franchises Act</i> <i>Liquor Licence Act</i> <i>Public Utilities Act</i> <i>Fluoridation Act</i> <i>Local Roads Boards Act</i> <i>Local Improvement Act</i> <i>Municipality of Metropolitan Toronto Act</i> <i>Farm Products Marketing Act</i>
Quebec	<i>Referendum Act</i> <i>Act Respecting Elections and Referendums in Municipalities</i> <i>School Elections Act</i> <i>Municipal Franchises Act</i> <i>Liquor Permit Control Commission Act</i> <i>Temperance Act</i> <i>Cities and Towns Act</i> <i>Education Act</i> <i>Act Respecting Sales of Municipal Public Utilities</i>
Prince Edward Island	<i>Plebiscite Act</i> <i>Municipalities Act</i>
Saskatchewan	<i>Referendum and Plebiscite Act</i> <i>Urban Municipality Act</i> <i>Rural Municipality Act</i> <i>Northern Municipalities Act</i> <i>Alcohol Control Act changed to Alcohol and Gaming Regulation Act</i> <i>Liquor Act</i> <i>Lord's Day Act</i> <i>Time Act</i> <i>Education Act</i>
Northwest Territories	<i>Plebiscite Act</i> <i>Cities, Towns and Villages Act</i> <i>Local Authorities Elections Act</i> <i>Liquor Act</i> <i>Education Act</i>
Yukon	<i>Plebiscite Act</i> <i>Municipalities Act</i> <i>Lord's Day Act</i>

TABLE TWO: JURISDICTION-WIDE REFERENDA LEGISLATION IN CANADA

Jurisdiction	Legislation	Who Initiates a Referendum?	Subject Matter	Who Writes the Question?	Results Binding on Government?
Canada	<i>Referendum Act</i>	Cabinet	any constitutional matter	drafted by gov't but after consultation with opposition; approved by Parliament	No
Alberta	<i>Election Act</i>	Cabinet	any matter ¹	Cabinet	No
Alberta	<i>Constitutional Referendum Act</i>	Cabinet, preceding any vote in the Legislature on a resolution for a constitutional amendment ²	constitutional amendments	drafted by Cabinet, approved by Legislature	Where a measure is approved or disapproved by a majority of votes cast, result is binding on Gov't initiating referendum: in particular, Gov't must, as soon as practicable, take steps considered necessary or advisable to implement results of referendum
Alberta	<i>Alberta Taxpayer Protection Act</i> ³	Cabinet, preceding introduction of bill imposing general sales tax	sales tax	drafted by Cabinet, approved by Legislature	Gov't can introduce bill imposing general sales tax only if Chief Electoral Officer announces result of referendum on this issue first; legislation incorporates above provision in Constitutional Referendum Act on binding nature of referenda

¹ Technically, the question must relate to the introduction or amendment of legislation.

² In addition to providing for mandatory constitutional referenda, the Alberta Act authorizes permissive referenda whereby the government may choose to hold a referendum on any constitutional matter.

³ On June 2, 1997, the Alberta Government introduced for first reading Bill 26, the *No Tax Increase Act*. The new Act would apply to bills which sought to increase the tax rates set out in certain sections of the *Alberta Income Tax Act* or other tax rates prescribed by regulation. Before such a tax bill could be introduced in the Legislative Assembly, the increase in question would have to be approved by a majority of the votes cast in a referendum. Notwithstanding this requirement, a tax rate might be increased (1) where necessary to give effect to a restructuring of taxation authority between the federal government and provincial governments; and (2) where not designed to generate an overall increase in provincial revenue. In general, the referendum would be initiated by Cabinet, with the question(s) drafted by Cabinet and approved by the Legislature if it were in session.

Jurisdiction	Legislation	Who Initiates a Referendum?	Subject Matter	Who Writes the Question?	Results Binding on Government?
British Columbia	<i>Referendum Act</i>	Cabinet	any matter of public interest or concern	Cabinet	Where a measure is approved or disapproved by a majority of votes cast, result is binding on Gov't initiating referendum: in particular, Gov't must, as soon as practicable, take steps considered necessary or advisable to implement results of referendum including any or all of the following: <ul style="list-style-type: none"> • introducing or changing programs or policies; • introducing legislation during first session after referendum results are known
British Columbia	<i>Recall and Initiative Act</i> ⁴	On receipt of draft bill and initiative petition signed by at least 10% of the registered voters in each electoral district, a select standing committee on Legislative Initiatives must either: <ul style="list-style-type: none"> recommend that the draft bill be introduced, in which case the Gov't must introduce the bill at the earliest practicable opportunity;⁵ or refer the petition and draft bill to the Chief Electoral Officer, who must hold an initiative vote. 	any matter within the jurisdiction of the Legislature	whoever starts campaign to sign petition ⁶	Initiative vote is successful if more than 50% of the registered voters in the province support the initiative; and more than 50% of the registered voters in at least 2/3 of the electoral districts also support it. Gov't must then introduce the bill at the earliest practicable opportunity ⁷

⁴ Only initiative provisions of the British Columbia Act are summarized in this table.

⁵ If the bill is for the appropriation of public revenue or the imposition of a tax, the recommendation of the Lieutenant Governor must be requested.

⁶ The draft bill, however, must be written in a clear and unambiguous manner. This requirement is a precondition to the issuance of an initiative petition by the Chief Electoral Officer.

⁷ Ibid.

Jurisdiction	Legislation	Who Initiates a Referendum?	Subject Matter	Who Writes the Question?	Results Binding on Government?
British Columbia	<i>Constitutional Amendment Approval Act</i>	Cabinet, preceding tabling in Legislature of resolution for a constitutional amendment	constitutional amendments	Cabinet	Gov't cannot introduce resolution for a constitutional amendment unless a referendum has first been conducted under the <i>Referendum Act</i> with respect to the matter
Manitoba	<i>Balanced Budget, Debt Repayment and Taxpayer Protection Act</i>	Cabinet, preceding introduction of bill increasing taxes under <i>Health and Post Secondary Education Tax Levy Act; Income Tax Act; Retail Sales Tax Act</i> ; or Part I of <i>Revenue Act</i> ⁸	possible tax increases	Cabinet	Gov't cannot introduce a bill to raise taxes under certain specified Acts without holding a referendum first, where a majority of votes cast support the tax increase
Newfoundland	<i>Election Act</i> ⁹	Cabinet	any matter of public concern	Cabinet	No
New Brunswick	<i>Elections Act</i>	Cabinet	any matter	Cabinet	No
Prince Edward Island	<i>Plebiscites Act</i>	Cabinet	any matter of public concern, or respecting any provincial Act, any order in council made pursuant to any such enactment, or any question of enforcement of any such enactment	Cabinet	No

⁸ There are two exceptions to this referendum requirement: (1) where the increase in tax rates is designed to restructure the tax burden, but is revenue neutral; and (2) where the increase results from changes in federal tax laws and is necessary to maintain provincial revenue or to give effect to a restructuring of federal/provincial taxation authority.

⁹ Under another Act—the Elections Act, 1991—the Cabinet may direct that a plebiscite or a referendum be held on any matter of public concern. This provision has not been proclaimed in force.

Jurisdiction	Legislation	Who Initiates a Referendum?	Subject Matter	Who Writes the Question?	Results Binding on Government?
Quebec	<i>Referendum Act</i>	(1) Cabinet with the approval of the National Assembly, or (2) Cabinet, after the National Assembly passes a bill	any matter	(1) Cabinet with approval of the National Assembly; or (2) National Assembly by passing a bill containing text of question	No; however, a bill adopted by the National Assembly which says that it must be submitted to a referendum cannot be presented for assent until the referendum has been held
Saskatchewan	<i>Referendum and Plebiscite Act</i>	referendum or plebiscite by Cabinet plebiscite only by Legislature plebiscite when 15% of electors sign a petition	any matter of public interest or concern any question any matter within the jurisdiction of the Government of Saskatchewan	Cabinet Legislature whoever starts the campaign to sign the petition ¹⁰	In the case of a referendum, if a measure is approved or disapproved by more than 60% of votes cast (where at least 50% of eligible voters voted), result is binding on Gov't initiating referendum: in particular, Gov't must, as soon as practicable, take steps considered necessary or advisable to implement results of referendum including any or all of the following: <ul style="list-style-type: none"> • introducing or changing programs or policies; • introducing legislation during first session after referendum results are known.
Northwest Territories	<i>Plebiscite Act</i> ¹¹	Government	any matter	Government	No
Yukon	<i>Plebiscite Act</i> ¹²	Government	any matter	Government	No

¹⁰ On an application by the Minister responsible for the administration of the Act, the Court of Queen's Bench may approve the question or change the wording (1) to express more clearly the intent of the petitioners; or (2) where possible, to bring the question within provincial jurisdiction. The Court may also direct that no plebiscite be held, where the question concerns a matter beyond provincial jurisdiction.

¹¹ The recent "Public Vote" on guaranteed equal representation for men and women in the Nunavut Legislative Assembly was not conducted under the Plebiscite Act, but rather under an agreement between the three signatories to the Nunavut Political Accord—namely, the Government of Canada, the Government of the Northwest Territories, and Nunavut Tunngavik Incorporated. The Plebiscite Act does not authorize a plebiscite in only part of the Northwest Territories and has a longer residency requirement for voter eligibility (three years) than was applied to the public vote (one year).

¹² Part I of the Public Government Act repeals the Plebiscite Act, but has not come into force. It authorizes the Legislative Assembly to direct by resolution that a referendum be held on any matter. The resolution must meet certain conditions—for instance, it must have the support of at least 2/3 of the Members present; contain the terms of the referendum question(s); and state whether or not the results of the referendum will be binding upon the Assembly.

TABLE THREE: CANADIAN REFERENDA

Government holding referenda	Date	Subject	Result
Canada			
Federal government	29 Sept. 1898	prohibition of liquor	52% voted in favour
Federal government	27 April 1942	releasing the government from 1940 promise of no conscription	64.1% voted in favour
Federal government	26 Oct. 1992	Charlottetown Accord	54.4% voted against
British Columbia			
Provincial government	25 Nov. 1909	local option policy for liquor control	not available
Provincial government	14 Sept. 1916	women's suffrage	Majority in favour
Provincial government	14 Sept. 1916	prohibition of liquor	not available
Provincial government	20 Oct. 1920	temperance	not available
Provincial government	20 June 1924	sale of beer by glass	50.5% voted against
Provincial government	1 June 1937	public health insurance plan	Majority in favour
Provincial government	12 June 1952	daylight saving time	55.6% in favour
Provincial government	12 June 1952	regulating sale of liquor	not available
Provincial government (vote held in five electoral divisions only)	30 Aug. 1972	daylight saving time	63.38% voted against
Provincial government	17 Oct. 1991	adoption of recall	73.35% voted in favour
Provincial government	17 Oct. 1991	adoption of initiative	80.99% voted in favour
Alberta			
Provincial government	21 July 1915	prohibition of liquor	Majority in favour
Provincial government	25 Oct. 1920	prohibition of liquor	Majority in favour
Provincial government	5 Nov. 1923	Proposals to regulate the sale of liquor	Majority favoured government sale of all liquor
Provincial government	17 Aug. 1948	public ownership of power companies	50.02% vote against

Government holding referenda	Date	Subject	Result
Provincial government	30 Oct. 1957	opening of new outlets for liquor sales	Majority in favour
Provincial government	23 May 1967	daylight saving time	51.25% voted against
Provincial government	30 Aug. 1971	daylight saving time	61.47% voted in favour
Saskatchewan			
Provincial government	27 Nov. 1913	Approval of Direct Legislation Act	Majority opposed
Provincial government	11 Dec. 1915	Proposal to abolish liquor stores	Majority opposed
Provincial government	25 Oct. 1920	Proposal to abolish liquor stores	Majority opposed
Provincial government	16 July 1925	prohibition of liquor sales	Majority favoured government regulation
Provincial government	19 June 1934	Proposal to sell beer by glass	Majority in favour
Provincial government	31 Oct. 1956	choice of local time zone	55% voted in favour
Provincial government	21 Oct. 1991	balanced budget legislation	79.9% voted in favour
Provincial government	21 Oct. 1991	ratifying constitutional amendments by referendum	79.32% voted in favour
Provincial government	21 Oct. 1991	gov't funding of abortions	62.62% voted against
Manitoba			
Provincial government	23 July 1892	Proposals to restrict the sale of liquor	Majority in favour
Provincial government	2 April 1902	prohibition of liquor	not available
Provincial government	13 March 1916	Temperance Act	not available
Provincial government	22 June 1923	gov't control of liquor sales	not available
Provincial government	11 July 1923	amendments to Liquor Act	not available
Provincial government	28 June 1927	3 questions on sale of beer	not available
Provincial government	24 Nov. 1952	marketing of coarse grains	89% voted in favour
Ontario			
Provincial government	1 Jan. 1894	prohibition of liquor	not available
Provincial government	4 Dec. 1902	prohibition of liquor	67% voted against

Government holding referenda	Date	Subject	Result
Provincial government	20 Oct. 1919	Four proposals: 1) repeal of Temperance Act; 2) sale of beer in gov't agencies; 3) sale of beer in hotels; and 4) sale of all liquors by gov't agencies	Majority voted in favour of all proposals.
Provincial government	18 April 1921	liquor importation	not available
Provincial government	23 Oct. 1924	Proposal to repeal Temperance Act, and proposal to have government regulate liquor trade	Majority in favour of both proposals
Quebec			
Provincial government	10 April 1919	sale of beer & wine	not available
Provincial government	20 May 1980	sovereignty-association	59.56% voted against
Regional referendum	1 October 1987	Composition of a working group to draft the Constitution of a future Regional Assembly in Northern Quebec for the Inuit and Cree	53% voted in favour of election by universal suffrage
Provincial government	30 Oct. 1995	Proposal for Quebec to become sovereign, after having made a formal offer to Canada for a new economic and political partnership	50.6% voted against
New Brunswick			
Provincial government	10 July 1920	prohibition	67% voted in favour
Provincial government	10 Oct. 1921	liquor importation	Majority in favour
Nova Scotia			
Provincial government	15 March 1894	prohibition of liquor	not available
Provincial government	25 Oct. 1920	regulation of liquor sales	not available
Provincial government	31 Oct. 1929	retention of prohibition	not available
Prince Edward Island			
Provincial government	28 Dec. 1878	prohibition of liquor	not available
Provincial government	5 June 1901	prohibition of liquor	not available
Provincial government	18 July 1929	prohibition of liquor	not available

Government holding referenda	Date	Subject	Result
Provincial government	25 June 1940	prohibition of liquor	not available
Provincial government	28 June 1948	new Temperance Act	not available
Provincial government	18 Jan. 1988	construction of causeway to N.B.	59% voted in favour
Newfoundland			
Provincial government	4 Nov. 1915	prohibition of liquor	not available
Provincial government	3 June 1948	3 questions on type of gov't	44.5% voted for responsible government; 41.1% for Confederation; 14.3% for Commission government
Provincial government	22 July 1948	2 questions on type of government	52.3% in favour of Confederation
Provincial government	5 Sept. 1995	Proposal to reform religion-based school system	54% voted in favour
Provincial government	2 Sept. 1997	Proposal to reform religion-based school system	73% voters in favour
NWT			
Territorial government	4 April 1982	territorial division	56% voted in favour
Territorial government	4 May 1992	location of new border	54% voted in favour
Territory of Nunavut	3-5 Nov. 1992	creation of Nunavut	69% voted in favour
Territory of Nunavut	5 May 1997	Proposal to create a gender-balanced legislature in Nunavut	57% voted against

Sources: Patrick Boyer, *Direct Democracy in Canada* (Toronto: Dundurn Press, 1992); Pierre-F. Côté, *Instruments of Direct Democracy in Canada and Quebec* (Quebec: Le Directeur Général Des Elections Du Québec, 1995); Canadian Annual Review, various years; Norman Ward and Duff Spafford, *Politics in Saskatchewan* (Don Mills: Longmans Canada, 1968); Reginald Hose, *Prohibition or Control?* (Toronto: Longmans, Green and Co., 1928).

TABLE FOUR: RECENT MUNICIPAL REFERENDA IN ONTARIO

Municipality	Date	Subject	Result
Newcastle	November, 1991	Proposal to change name of municipality	93% in favour
Kapuskasing	July 1992	Proposal to raise property taxes or cut services	83.6% in favour of service cuts
Niagara Falls	November, 1994	Proposal to locate a casino in Niagara Falls	62.8% in favour
Toronto	November, 1994	Proposal to eliminate Metropolitan Toronto	63% in favour
Sudbury	November, 1994	Proposal to create a senior's centre on outskirts or downtown in a single- or multi-purpose building	73% in favour of downtown location; 75.5% in favour of a multi-purpose building
Toronto	November, 1994	Proposal to allow sales of liquor in LCBO, restaurants, and bars in Ward 5	60.1% in favour of LCBO sales; 65.1% in favour of restaurant and bar sales
Kingston	November, 1994	Proposal for municipality to assume control over gas, water and hydro	Majority opposed
Cambridge	November, 1994	Proposal to locate new city hall; construction of new arena; construction of new arts centre	62.7% in favour of new city hall; 51% opposed to arena; 53.5% opposed to arts centre
Sault. Ste. Marie	May 1996	Proposal to locate a casino in Sault Ste. Marie	59.1% voted in favour
Village of Point Edward	June 1996	Developer to build \$18-\$25 million casino on a waterfront site	62.9% voted in favour
Oshawa	June 1996	1) joining GTA; and 2) proposal to locate a casino in Oshawa	1) 94% voted against; and 2) 65% voted against
Middlesex County	June 1996	Proposal to amalgamate five county municipalities	83% voted against

Municipality	Date	Subject	Result
Stoney Creek, Glanbrook, Flamborough; Ancaster; and Dundas	February 1997	Proposal to amalgamate five municipalities with the City of Hamilton	94% voted against
Toronto, Etobicoke, York, East York, North York, Scarborough	March 1997	Proposal to amalgamate Toronto and surrounding municipalities	76.1% overall voted against

Source: various newspapers subscribed to by the Ontario Legislative Library. Specific questions and results were confirmed with relevant municipal officials.

TABLE FIVE: AMERICAN STATE PROVISIONS FOR REFERENDA

State	Initiatives			Referred Measures	
	Direct Initiative	Indirect Initiative	Popular Referenda	Constitutional Amendment	Statutory Action
Alabama					
Alaska		*	*	*	*
Arizona	*		*	*	*
Arkansas	*		*	*	*
California	*		*	*	*
Colorado	*			*	
Connecticut				*	
Delaware				*	
Florida	*			*	
Georgia				*	
Hawaii				*	
Idaho	*		*	*	*
Illinois	*			*	
Indiana				*	
Iowa				*	
Kansas				*	
Kentucky			*	*	*
Louisiana				*	
Maine		*	*	*	*

State	Initiatives			Referred Measures		
	Direct Initiative	Indirect Initiative	Popular Referenda	Constitutional Amendment	Statutory Action	
Maryland			*	*	*	*
Massachusetts		*	*	*	*	*
Michigan	*	*	*	*	*	*
Minnesota				*		
Mississippi		*		*		
Missouri	*		*	*	*	*
Montana	*		*	*	*	*
Nebraska	*		*	*	*	*
Nevada	*	*	*	*	*	*
New Hampshire				*		
New Jersey				*		
New Mexico			*	*	*	*
New York				*		
North Carolina				*		
North Dakota	*		*	*	*	*
Ohio	*	*	*	*	*	*
Oklahoma	*		*	*	*	*
Oregon	*		*	*	*	*
Pennsylvania				*		
Rhode Island				*		
South Carolina				*		

State	Initiatives			Referred Measures	
	Direct Initiative	Indirect Initiative	Popular Referenda	Constitutional Amendment	Statutory Action
South Dakota	*		*	*	*
Tennessee				*	
Texas				*	
Utah	*	*	*	*	*
Vermont				*	
Virginia			*	*	
Washington	*	*		*	
West Virginia				*	*
Wisconsin				*	
Wyoming		*	*	*	*
US Virgin Island		*	*	*	*

Source: The Council of State Governments, *The Book of the States* (Lexington, KY: The Council, 1995), p. 209.

TABLE SIX: 1996 STATE BALLOT MEASURES

State Measure	Type	Description	Pass/Fail	For	Against
Alabama					
Amendment 1	RM	Guarantees the right to hunt and fish in the state.	Passed	81%	19%
Amendment 2	RM	Phases out the separate retirement system for public officials and allows the participation of public officials in the Employees' Retirement System of Alabama.	n/a		
Amendment 3	RM	Removes the prohibition on guilty pleas to an "information" in non-capital felony cases within 15 days of arrest.	Passed	69%	31%
Amendment 4	RM	Authorizes certain cities to provide for bingo operations.	Passed	56%	44%
Amendment 5	RM	Requires that the amount of prizes for the playing of bingo be established by local law.	Passed	55%	45%
Alaska					
Ballot Measure 1	RM	Requires that any changes to the Alaska Statehood Act proposed by Congress be approved either by: (1) a majority vote of Alaskan voters; or (2) a two-thirds vote of the State Legislature.	Passed	68.2%	31.8%
Ballot Measure 3	DI	Prohibits same day airborne hunting of wild wolf, wolverine, fox or lynx.	Passed	57.3%	42.7%
Ballot Measure 4	DI	Encourages the support of an amendment to the U.S. Constitution limiting U.S. Senators to two terms and U.S. Representatives to three terms and provides for the printing of messages on ballots next to state legislators and congressional candidate's names indicating lack of support for term limits.	Passed	53.8%	46.2%
Arizona					
Proposition 100	RM	Gives the legislature the option of designating other effective dates for: (1) emergency laws; (2) laws that appropriate money for the "support and maintenance" of state agencies and institutions; and (3) laws that increase taxes and fees.	Passed	59.3%	40.6%
Proposition 101	RM	Allows the legislature to exempt from taxation the first \$50,000 of "full cash value" of a taxpayer's "personal property" if it is used in agriculture, or in a trade or business.	Passed	51.2%	48.7%

State Measure	Type	Description	Pass/Fail	For	Against
Proposition 102	DI	Requires juveniles who are 15 years of age or older and who are accused of murder, rape, armed robbery, other violent crimes, or are chronic offenders to be prosecuted as adults.	Passed	62.6%	37.3%
Proposition 200	DI	The "Drug Medicalization, Prevention, and Control Act of 1996" requires that persons who are convicted of committing violent crimes while under the influence of drugs serve 100% of their sentences, without eligibility for parole. Allows medical doctors to prescribe a controlled substances (such as marijuana), to treat a disease or to relieve the pain and suffering of a seriously or terminally ill patient.	Passed	65.2%	34.7%
Proposition 201	DI	Requires the state, through the governor, to enter into gaming compacts with eligible tribes on similar terms and conditions as the compacts entered into before the 1994 federal court decision.	Passed	64.0%	35.9%
Proposition 202	DI	Requires that the imposition of county stadium district sales taxes for a major league baseball stadium be submitted to a vote at a general or special election held in the district.	Passed	71.8%	28.1%
Proposition 203		Sets aside \$17 million per year from lottery revenues to fund six health and nutrition programs and lowers the threshold for persons eligible to receive health care under the Arizona Health Care Cost Containment System (AHCCCS).	Passed	71.8%	28.1%
Proposition 300	RM	Increases the annual legislative salary from \$15,000 to \$24,000.	Failed	48.6%	51.4%
Arkansas					
Amendment 1	RM	Establishes a uniform minimum property tax millage rate for operation and maintenance of public schools	Passed	51.7%	48.3%
Amendment 2	RM	Levies a state sales and use tax of one-eighth of one %, effective July 1, 1997, the proceeds of which would be divided among the Arkansas Game and Fish Commission (45 % of revenues), the Department of Parks and Tourism (45 %), the Department of Heritage (nine %) and Keep Arkansas Beautiful (one %).	Passed	50.6%	49.4%
Amendment 3	RM	Establishes procedures for certifying statewide initiative and referendum petitions, limits the number of amendments referred to voters by the General Assembly to five at any one time, and specifies procedures for legal challenges to ballot titles.	Failed	46.3%	53.7%

State Measure	Type	Description	Pass/Fail	For	Against
Amendment 4	DI	Establishes a state lottery, permits charitable raffles and bingo games, and allows voters in Hot Springs to decide whether or not to authorize casino gambling at sites to be approved by the city.	Failed	38.9%	61.1%
Amendment 9	N/A	Instructs incumbent U.S. Senators and Representatives, state legislators, and candidates for those offices, to support term limits for federal office holders and note on the ballot if these elected officials "disregarded voter instruction on term limits."	Passed	61.0%	39.0%
Initiated Act 1	DI	Specifies registration restrictions and disclosure requirements for small donor political action committees.	Passed	65.0%	35.0%
Bond Issue 1	N/A	Allows the Arkansas Soil and Water Conservation Commission to issue up to \$300 million in bonds, in principal amounts not to exceed \$60 million in any fiscal biennium.	Failed	47.3%	52.7%
California					
Proposition 204	RM	Provides a \$995 million bond to ensure clean water, increase water supplies and clean up pollution in rivers, lakes, streams and coastal areas.	Passed	n/a	n/a
Proposition 205	RM	Provides a \$700 million bond to provide funds for the construction, renovation, remodeling and replacement of local juvenile and adult correction facilities.	Failed	n/a	n/a
Proposition 206	RM	Provides a \$400 million bond for farm and home loan aid for California veterans.	Passed	n/a	n/a
Proposition 207	DI	Prohibits restrictions on the right to negotiate attorney's contingent fees except as provided by law in effect January 1, 1995.	Failed	34.2%	65.8%
Proposition 208	DI	Limits campaign contributions by individuals, groups and political action committees to candidates for state office. Limits the range from \$250 to \$1,000 depending on the office sought and whether the candidate voluntarily agrees to limit spending. The measure bans all fundraising in non-election years.	Passed	61.3%	38.7%
Proposition 209	DI	Prohibits discrimination or preferential treatment (affirmative action) based on race, color, sex, ethnicity or national origin in public employment, education and contracting.	Passed	54.6%	45.4%
Proposition 210	DI	Increases the minimum wage from \$4.25 to \$5.00 per hour March 1, 1997, and to \$5.75 per hour March 1, 1998.	Passed	61.5%	38.5%

State Measure	Type	Description	Pass/Fail	For	Against
Proposition 211	DI	Overtakes improvements in federal securities laws enacted by Congress in 1995 in order to make it easier for plaintiffs to bring securities "strike suits" against companies doing business in California; also prohibits indemnification of directors and officers and allowed punitive damages.	Failed	25.6%	74.4%
Proposition 212	DI	Limits individuals and political parties to contributing no more than \$100 to the campaign of any legislative candidate and no more than \$200 to candidates for statewide office. Prohibits campaign contributions from corporations and labor unions. Restricts to 25% of total contributions to be raised outside the district.	Failed	49.1%	50.9%
Proposition 213	DI	Denies all recovery of damages to a convicted felon whose injuries occurred during the commission of that felony, and denies recovery of noneconomic damages to uninsured drivers injured while operating a vehicle, except if hit by a drunk driver.	Passed	76.9%	23.1%
Proposition 214	DI	Tightens the regulations of health maintenance organizations by prohibiting them from offering incentives to doctors for withholding care. Prohibits "gag orders" that prevent doctors from criticizing the HMO or disclosing treatments.	Failed	42.0%	58.0%
Proposition 215	DI	Exempts patients or caregivers who possess or cultivate marijuana for medicinal purposes from criminal laws.	Passed	55.6%	44.4%
Proposition 216	DI	Regulates the HMO industry by (1) prohibiting HMO's from discouraging doctors from informing patients about alternative care, (2) prohibiting HMO's from seeking direct regulation of hospital staffing, (3) prohibiting HMO premiums and "greed fees" on for-profit HMO's that underwrite public health care	Failed	38.7%	61.3%
Proposition 217	DI	Reinstates the state's top income tax rates of 10 % and 11 % on taxpayers with taxable income over \$115,000 and \$230,000, respectively (For joint taxpayers with taxable incomes over \$230,000 and \$460,000, respectively). These rates expired in 1995, lowering the top tax rate to 9.3 %.	Failed	49.2%	50.8%
Proposition 218	DI	Requires that increases in general taxes be approved by a majority of voters.	Passed	56.6%	43.4%
Colorado					
Referendum A	RM	Requires a 60% majority voter approval, instead of 50% plus one vote simple majority, for constitutional and statutory amendments.	Failed	41%	59%
Referendum B	RM	Allows local governments to mail ballots with their ballot information booklet to save mailing costs.	Passed	55%	45%

State Measure	Type	Description	Pass/Fail	For	Against
Referendum C	RM	Allows the General Assembly to establish qualifications for the office of county sheriff, including training and certification requirements.	Passed	56%	44%
Referendum D	RM	Allows unemployment taxes to be increased without voter approval.	Passed	71%	29%
Amendment 11	DI	Eliminates real property tax exemptions that are used for religious purposes, charitable purposes and nonprofit cemeteries. Requires that the property tax rate be decreased proportionally with any net gain in revenue stemming from the removal of tax exempt status.	Failed	18%	82%
Amendment 12	DI	Initiates the calling of a convention to propose congressional term limits and requires that, until a congressional term limit amendment is approved, legislators and non-incumbents who fail to vote or pledge not to vote for a congressional term limit amendment be identified on the ballot.	Passed	54%	46%
Amendment 13	DI	Extends initiative and referendum powers to local governments that do not have these processes.	Failed	46%	54%
Amendment 14	DI	Prohibits certain types of inhumane traps for wildlife hunting.	Passed	52%	48%
Amendment 15	DI	Reduces the amount of money, goods and services that individuals can contribute to legislative candidates, statewide candidates, political committees and political parties. Limits contributions that political committees and parties can make to legislative and statewide candidates.	Passed	66%	34%
Amendment 16	DI	Changes the Board of Land Commissioners' current constitutional duty of maximizing revenue from state trust lands to managing those lands to produce reasonable and consistent income over time.	Passed	52%	48%
Amendment 17	DI	Declares that parents have the inalienable right to control the education, values and discipline of their children.	Failed	43%	57%
Amendment 18	DI	Legalizes gambling in Trinidad, as in other Native American reservations.	Failed	32%	68%
Connecticut					
Constitutional Amendment	N/A	Gives crime victims the right to restitution and to make a statement before the criminal is sentenced.	Passed		
Florida					
Constitutional Amendment	DI	Requires a two-thirds vote for new constitutionally-imposed state taxes/fees.	Passed	69%	30%

State Measure	Type	Description	Pass/Fail	For	Against
Constitutional Amendment 2	RM	Changes from 1998 to 1997 the convening of the next Constitution Revision Commission, in conformity with the schedule previously established by the Florida Supreme Court.	Passed	61%	38%
Constitutional Amendment 3	RM	Allows judicial nominating commissions to recommend from three to six persons to fill a court vacancy; restructures the Judicial Qualification Commission and permits additional sanctions for judicial misconduct.	Passed	74%	25%
Constitutional Amendment 4	DI	Requires the South Florida Management District to levy an Everglades Sugar Fee of one cent per pound on raw sugar grown in the Everglades Agricultural Area, and to raise funds to be used for purposes of conservation and protection of natural resources and abatement of water pollution in the Everglades. The fee is imposed for 25 years.	Failed	45%	54%
Constitutional Amendment 5	DI	Imposes the responsibility for paying for the abatement of water pollution in the Everglades Agricultural Area on those who cause the pollution.	Passed	68%	31%
Constitutional Amendment 6	DI	Establishes an Everglades Trust Fund to be administered by the South Florida Water Management District for purposes of conservation, protection of natural resources and abatement of water pollution in the Everglades. The Everglades Trust Fund may be funded through any source, including gifts and state or federal funds.	Passed	57%	42%
Georgia					
Constitutional Amendment 1	RM	Authorizes the repeal of any intangible personal property tax by general law without approval in a referendum.	Passed	56.6%	43.4%
Constitutional Amendment 2	RM	Authorizes the boards of education of county school districts and independent school districts to impose, levy and collect a one % sales and use tax for educational purposes.	Passed	50.8%	49.2%
Constitutional Amendment 3	RM	Allows counties or municipalities to create enterprise zones.	Passed	53.2%	46.8%
Constitutional Amendment 4	RM	Authorizes fees, assessments and other charges to be collected on the processing of agricultural products by agricultural processing industries, and used for the promotion of such industries without the need for paying such money into the general fund of the state treasury.	Failed	39.6%	60.4%
Constitutional Amendment 5	RM	Allows an owner of real property which is located in certain industrial areas and which is located on an island to voluntarily remove the property from the industrial area by filing a certificate with the court.	Passed	54.6%	45.4%

State Measure	Type	Description	Pass/Fail	For	Against
Referendum A	RM	Provides an exemption from all ad valorem taxes for vans and buses owned by any religious group and used exclusively for religious, educational and charitable purposes, or for the purposes of maintaining and operating religious groups.	Passed	54.8%	45.2%
Referendum B	RM	Provides an exemption from ad valorem taxation for certain property owned by a historical fraternal benefit association and used exclusively for charitable, fraternal and benevolent purposes.	Passed	52.1%	47.9%
Hawaii					
Constitutional Amendment 1	RM	Authorizes the use of revenue bonds to finance loans to state property insurance programs for hurricane insurance coverage.	Passed	64.3%	35.7%
Constitutional Amendment 2	RM	Appropriates the funds of the state educational facilities improvement special fund for periods beyond three years to permit public school construction.	Passed	66.5%	33.5%
Constitutional Amendment 3	RM	Removes the provision that prevents the lapse of unencumbered general obligation bond funds from the requirement that all unencumbered funds lapse at the end of the fiscal period, in order to qualify for federal financing.	Passed	45.4%	54.6%
Idaho					
Proposition 1	DI	Limits property taxes to one % of value subject to assessment.	Failed	37%	63%
Proposition 2	DI	Prohibits the use of dogs or bait while hunting black bear.	Failed	40%	60%
Proposition 3	DI	Requires legislative and voter approval of agreements for the receipt of additional radioactive waste.	Failed	37%	63%
Proposition 4	DI	Instructs candidates for the state legislature and U.S. Congress to support congressional term limits, and requires a statement indicating non-support on the ballot.	Passed	56%	44%
Constitutional Amendment 1	RM	Exempts public hospitals from the prohibitions on the lending of credit and risk-sharing in the state constitution.	Passed	55%	54%
Indiana					
Public Question 1	RM	Amends Section 13 of Article 1 of the Indiana Constitution to provide that victims of crime have the right to be treated with fairness, dignity and respect throughout the criminal justice process; be informed of and present during public hearings; and to confer with the prosecution, to the extent that exercising these rights does not infringe upon the constitutional rights of the accused.	Passed	88.9%	11.1%

State Measure	Type	Description	Pass/Fail	For	Against
Public Question 2	RM	Amends Section 12 of Article 11 of the Indiana Constitution to allow the investment of state retirement funds in stocks and other securities.	Passed	64.6%	35.4%
Kansas					
Constitutional Amendment	RM	Requires hunting, fishing and trapping license fees and money designated for fish or wildlife programs to be spent only for these programs.	Passed	89%	11%
Kentucky					
Constitutional Amendment	RM	Removes obsolete language permitting local governments to levy a poll tax, and requiring local governments to maintain segregated schools.	Passed	67%	33%
Louisiana					
Constitutional Amendment 1	RM	Prohibits government officials who are elected or appointed after January 1, 1997, from participating in state-sponsored retirement systems.	Passed	70.2%	29.8%
Constitutional Amendment 2	RM	Allows donation of abandoned housing to nonprofit organizations that agree to renovate and maintain the property.	Passed	69.75%	30.25%
Constitutional Amendment 3	RM	Authorizes the legislature to exempt goods, tangible personal property or services from sales or use taxes in order to prevent local taxes from being triggered automatically by actions of the legislature.	Passed	60.85%	39.15%
Maine					
Question 1	II	Requires that a candidate's objection to, or agreement with congressional term limits be displayed on the ballot.	Passed	58%	42%
Question 2	II	(1) bans clearcutting and sets new forestry standards; or (2) places a cap on clearcuts and tighten forest management regulations; or (3) rejects both proposals.	(1) Failed- 39% (2) (2) Option 2 - 47%-	(1) (3) Failed- 23%	
Question 3	II	Adopts new campaign finance laws that provide public funding for state office candidates who agree to spending limits.	Passed	56%	44%
Question 4	RM	Issues a \$3 million bond for capital improvements to state parks and historic sites.	Passed	59%	41%
Question 5	RM	Issues a \$16.5 million bond to clean up hazardous substances, tire stockpiles and closed landfills.	Passed	61%	39%
Question 6	RM	Issues an \$11 million bond to provide access to capital for enterprises with job creation potential.	Passed	65%	35%

State Measure	Type	Description	Pass/Fail	For	Against
Question 7	RM	Issues a \$10 million bond to construct water pollution control facilities (with a \$10 million federal match) and address deficiencies in drinking water supplies.	Passed	63%	37%
Question 8	RM	Creates a constitutional amendment to extend the amount of time local officials have to certify a direct initiative petition.	Passed	66%	34%
Maryland					
Question 1	RM	Alters the membership of the Commission on Judicial Disabilities.	Passed	73%	27%
Question 2	RM	Prohibits a "lame-duck" Governor from making Executive Branch appointments.	Passed	82%	18%
Question 3	RM	Allows non-elected members of a law enforcement agency, fire department or rescue squad to hold another office and be eligible to serve as Senators or Delegates.	Passed	64%	36%
Question 4	RM	Allows counties to hold special elections to fill vacancies on county councils.	Passed	83%	17%
Question 5	RM	Alters the election procedures for Harford County Council members.	Passed	78%	22%
Question 6	RM	Allows the County Council of Harford County to take certain property for road, storm drain, sewer or water construction.	Failed	45%	55%
Massachusetts					
Question 1	N/A	Prohibits the use and sale of certain hunting traps considered by some to be inhumane, and reduces the influence of hunters and fishers on the state Fisheries and Wildlife Board.	Passed	64%	36%
Michigan					
Proposal A	PR	Amends the Traxler-McCauley-Boman Bingo Act which prohibits bingo playing for political fundraising purposes.	Failed	43%	57%
Proposal B	RM	Requires a judge of a trial, appeals or supreme court to be lawyers for at least five years in order to serve.	Passed	81%	19%
Proposal C	RM	Establishes in the Michigan Constitution the Michigan Veterans' Trust Fund.	Passed	74%	26%
Proposal D	II	Prohibits the baiting of bears and the chasing of bears with dogs.	Failed	39%	61%

State Measure	Type	Description	Pass/Fail	For	Against
Proposal E	II	Provides for the licensing and control of casino gaming operations, manufacturers and distributors of gaming devices and gaming employees, and authorizes limited casino operations within the state and vests authority for the regulation of casino gaming in a gaming control board.	Passed	51%	49%
Proposal G	RM	Establishes certain findings regarding the management of Michigan's wildlife populations and to grant the Natural Resources Commission the exclusive authority to regulate the taking of game.	Passed	68%	32%
Minnesota					
Amendment 1	RM	Permits the legislature to pay cash bonuses to Persian Gulf War veterans.	Passed	64.4%	34.6%
Amendment 2	RM	Permits voters to recall from office members of the legislature, the governor and lieutenant governor, the secretary of state, the state treasurer, the attorney general and state judges. Establishes a three-step recall process including: (1) a finding of malfeasance, nonfeasance, or conviction of a serious crime by the state Supreme Court; (2) a recall petition signed by at least 25 % of voters who last voted for the office in question; and (3) a recall election.	Passed	88.1%	11.9%
Missouri					
Constitutional Amendment 3	RM	Allows an annual transfer of a %age of the funds in the general revenue fund to the Facilities Maintenance Reserve Fund for the purpose of maintenance, repair and renovation of state facilities.	Passed	54%	46%
Constitutional Amendment 5	RM	Creates a state Department of Aging within the executive branch of state government.	Failed	44.3%	55.7%
Constitutional Amendment 6	RM	Authorizes municipalities, upon voter approval, to issue bonds to build revenue-producing sewer treatment plants and allows water plants to be removed from regulation as public utilities.	Failed	49.73%	50.27%
Constitutional Amendment 7	RM	Creates a Budget Stabilization Fund, or "rainy day fund," in the state treasury to provide an operating reserve in years where revenue projections are below expectations.	Failed	49.29%	50.71%
Constitutional Amendment 8	DI	Extends for ten years the existing sales and use tax of one-tenth of one % for use by the Department of Natural Resources for soil and water conservation and for the acquisition, development, maintenance and operation of state parks and historic sites, and for payments in lieu of real property taxes for land acquired by the state for park purposes. (This tax is scheduled to expire November 8, 1998.)	Passed	66.0%	33.4%

State Measure	Type	Description	Pass/Fail	For	Against
Constitutional Amendment 9	DI	Requires that future ballots indicate next to congressional incumbents' and challengers' names whether these persons supported congressional term limits.	Passed	57.7%	42.3%
Proposition A	DI	Increases the minimum wage to \$6.25 per hour as of January 1, 1997; \$6.50 as of January 1, 1998; \$6.75 as of January 1, 1999; and beginning January 1, 2000, an additional 15 cents per year thereafter.	Failed	28.7%	71.3%
Montana					
Constitutional Amendment 30	RM	Replaces the Board of Regents and the Board of Education and Commission of Higher Education with Department of Education and a State Education Commission.	Failed	37%	63%
Constitutional Amendment 31	RM	Expands the options for the investment of the State Compensation Insurance Fund to allow for securities investment which has greater long-term potential.	Failed	44%	56%
Constitutional Amendment 32	RM	Allows the legislature, which meets biennially in odd-numbered years, to meet in even or odd-numbered years.	Failed	47%	53%
Initiative 121	DI	Increases the minimum wage to \$4.75 on January 1, 1997; \$5.25 on January 1, 1998; \$5.75 on January 1, 1999; and \$6.25 on January 1, 2000.	Failed	44%	56%
Initiative 122	DI	Increases regulation of water quality treatment by requiring mining operations to treat waste runoff.	Failed	43%	57%
Initiative 123	DI	Allows lawsuits for threats, intimidation and false liens.	Passed	53%	47%
Initiative 125	DI	Prohibits corporate contributions for the defeat or passage of ballot initiatives.	Passed	52%	48%
Initiative 132.	DI	Declares it the policy of the voters of Montana to pass an amendment to the U.S. Constitution to require congressional term limits and requires state ballots to list the congressional and state candidates' opposition or support for term limits.	Failed	45%	55%
Nebraska					
Initiative Petition Measure 409	DI	Amends the constitution to instruct Nebraska's members of Congress and state legislators to support passage of a federal term limits constitutional amendment, and include language on the ballots informing voters of the candidates' position on term limits.	Passed	58%	42%
Initiative Petition Measure 410	DI	Amends the constitution of Nebraska to change the number of signatures required on initiative and referendum petitions.	Failed	42%	58%
Initiative Petition Measure 411	DI	Makes "quality education" a "fundamental constitutional right."	Failed	22%	78%

State Measure	Type	Description	Pass/Fail	For	Against
Initiative Petition Measure 412	DI	Amends the Constitution of Nebraska to create property tax levy limits for various governmental subdivisions and authorize the legislature to amend the laws which determine the fair market value of real property for property tax purposes.	Failed	38%	62%
Proposed Amendment 1	RM	Allows the legislature to authorize off-track parimutuel betting on horse races.	Failed	38%	62%
Proposed Amendment 2	RM	Allows merger or consolidation of local governments, with popular approval.	Failed	47%	53%
Proposed Amendment 3	RM	Allows state legislators to participate in state employee benefit plans.	Failed	33%	67%
Nevada					
Question 1	RM	Amends the state constitution to prescribe additional restrictions on the public employees' retirement system.	Passed	73%	27%
Question 2	RM	Amends the state constitution to provide for crime victims.	Passed	74.3%	25.7%
Question 3	RM	Amends the state constitution to revise the standard for determining the number of required voter signatures necessary to recall a public official.	Passed	55%	45%
Question 4	RM	Amends the state constitution to repeal the disclaimer of the state's interest in unappropriated public lands.	Passed	56.2%	43.8%
Question 5	RM	Amends the state constitution to permit legislative review of administrative regulations.	Passed	61.8%	38.2%
Question 6	RM	Amends the state constitution to clarify the exemption from debt limitation of money borrowed to retrofit state buildings as more energy-efficient.	Failed	41%	59%
Question 7	RM	Amends the state constitution to permit state money to be invested to stimulate economic development.	Failed	35%	65%
Question 9	DI	(1) Limits members of the Nevada legislature to twelve years, and secretary of state, state treasurer, state controller and attorney general to eight years. (2) Limits judges and justices to two terms.	(1) Passed; (2) Failed	(1) 45.8%; (2) 54.2%; (2) 41%	(1) 45.8%; (2) 59%
Question 10	DI	Limits campaign contributions by any person or entity to the campaign for any office, except a federal office, to \$5,000 in the primary, \$5,000 for the general election and \$5,000 for the approval or rejection of any question that appears on the ballot.	Passed	71%	29%

State Measure	Type	Description	Pass/Fail	For	Against
Question 11	DI	Amends the state constitution to require a two-thirds vote to pass a bill or joint resolution which creates, generates or increases public revenue.	Passed	71%	29%
Question 12	RM	Proposes issuing General Obligation Bonds to provide local governments with grants to finance erosion control and Lake Tahoe Basin watercourse restoration.	Passed	52%	48%
Question 13	RM	Amends the Sales and Use Tax Act of 1995 to exempt orthotic appliances and ambulatory casts from the tax.	Passed	67%	33%
Question 14	RM	Amends the Sales and Use Tax of 1995 to exempt the gross receipts from sale, storage, use or other consumption of tangible personal property sold by or to a religious, charitable or education nonprofit organization.	Passed	57%	43%
Question 15	RM	Amends the Sales and Use Tax of 1995 to revise the aircraft and aircraft parts exemptions.	Passed	35%	65%
Question 16	RM	Requires that bills imposing or increasing taxes or assessments be considered and approved twice for final passage by the legislature before being enacted.	Failed	61%	39%
Question 17	DI	Amends the state constitution to instruct the Nevada legislature and congressional delegation regarding federal term limits. Requires that voters be informed of how their elected representatives have acted in regard to this issue. This initiative petition would have to appear again on the 1998 general election ballot without change.	Passed	53.1%	46.9%
New Jersey					
Public Question 1	RM	Authorizes the state to issue \$300 million in bonds for dredging, environmental cleanup and lake restoration programs.	Passed	69%	31%
Public Question 2 (Constitutional Amendment)	RM	Dedicates four % of the annual revenue from the state's Corporation Business Tax for: (1) financing state-funded hazardous discharge cleanups; (2) providing financing, loans and grants for underground storage tank improvements; and (3) providing financing for monitoring and protecting water quality.	Passed	68%	31%
New Mexico					
Constitutional Amendment I	RM	Modifies investment restrictions and distributions from the state's permanent funds in order to protect inflation. Limits distributions to a percentage of each fund's market value and allow optimal diversification of investments.	Passed	67%	33%
Constitutional Amendment II	RM	Authorizes school districts to incur debt for limited purposes.	Passed	57%	43%

State Measure	Type	Description	Pass/Fail	For	Against
Constitutional Amendment III	RM	Provides for recall of elected county officials.	Passed	71%	29%
Constitutional Amendment IV	RM	Provides additional methods for voters to amend the constitution. The amendment: (1) establishes a process allowing an independent commission to prepare amendments to be submitted to the legislature for consideration; (2) changes the constitutional convention process to enable all or part of proposed revisions, amendments or alternatives to be submitted to the voters; and (3) repeals the section prohibiting changes to the constitution except by a general constitutional convention.	Passed	64%	36%
Constitutional Amendment V	RM	Increases legislative per diem and mileage to an amount allowed by the Internal Revenue Service.	Passed	65%	35%
Constitutional Amendment VI	RM	Abolishes the State Corporation Commission and creates a single regulatory agency for public services.	Passed	51%	49%
Constitutional Amendment VII	RM	Authorizes counties to borrow money to acquire real estate and purchase capital equipment.	Passed	50.1%	49.9%
New York					
Proposition 1	RM	Approves the \$1.75 billion Clean Water/Clean Air Bond Act of 1996.	Passed	56%	44%
North Carolina					
Constitutional Amendment	RM	Grants veto power to the Governor.	Passed	75%	25%
Constitutional Amendment	RM	Provides certain "restraints on liberty" as punishments for crime.	Passed	86%	14%
Constitutional Amendment	RM	Extends to crime victims basic rights to participate in the justice system.	Passed	78%	22%
Bond issue	RM	Issues \$1.8 billion for capital improvements to public schools.	Passed	72%	28%
Bond issue	RM	Issues \$950 million for roads and highways.	Passed	60%	40%
North Dakota					
Measure 1	RM	Reduces terms of members of the Board of Higher Education.	Passed	68%	32%
Measure 2	RM	Prohibits lawsuits the state and state employees.	Failed	42%	58%
Measure 3	RM	Changes terms of state representatives from two to four years.	Passed	54%	46%
Measure 4	DI	Protects status of the Veterans' Post War Trust Fund.	Passed	76%	24%

State Measure	Type	Description	Pass/Fail	For	Against
Measure 5	DI	Limits state representatives to three two-year terms and state senators to two four-year terms; limits executive branch officials to two four-year terms or one term when greater than four years; reinstates the elective office of Commissioner of Labor (previously appointed); instructs the North Dakota congressional delegation to support passage of a federal term limits constitutional amendment; requires election ballots to display a notation next to the name of each incumbent who did not support the term limit amendment or declined to pledge to support term limits.	Failed	48%	52%
Measure 6	DI	Allows the people to act as the legislature to apply to Congress to call a constitutional convention to consider an amendment which would place term limits on members of Congress.	Failed	46%	54%
Ohio					
Question 1	DI	Authorizes the establishment of up to eight riverboat casino gambling operations.	Failed	38%	62%
Oklahoma					
Referendum	RM	Changes the procedure for calculating the number of persons who must sign a petition to call for a grand jury.	Passed	67.95%	32.1%
Referendum	RM	Sets the range of assessment ratios for: (1) locally-assessed personal property at 10 % to 15 %; (2) locally assessed real property at 11 % to 13.5 %; and (3) property assessed by the State Board of Equalization (public service corporation, airline and railroad property) at its ratio as of January 1, 1996 (22.85 % - public service and 11.07 % - airline and railroad). Local real and tangible personal property assessments would not be increased except upon approval of the voters of a county at an election called by the county commissioners, or upon a petition of the voters. This ratio cannot be increased within the constitutional range by more than one %age point per year. These changes would go into effect January 1, 1997.	Passed	71.5%	28.5%

State Measure	Type	Description	Pass/Fail	For	Against
Referendum	RM	Limits the fair cash value of real property for property tax purposes. The fair cash value could not be increased by more than 5% in any taxable year. This limit would only apply to real property which is assessed by a county assessor. If the property is transferred, changed or conveyed, the limitation would not apply that year. If improvements have been made to the property, the increased value to the property will be assessed for that year. Any county which is not in compliance with laws or regulations governing valuation of property would not be allowed to apply the 5% limitation. This measure does not apply to personal property or property valued or assessed by the State Board of Equalization. The legislature would be allowed to enact laws to implement this section. This measure takes effect on January 1, 1997.	Passed	73.6%	26.4%
Referendum	RM	Limits the fair cash value (for property tax purposes) on a homestead owned by persons who are 65 years or older with a gross household income of \$25,000 or less. (The freeze would be in place until owner dies, the gross household exceeds \$25,000 or the ownership of the property is changed).	Passed	73.5%	26.5%
Referendum	RM	Lets school districts make contracts with school superintendents for more than one year, not to exceed three years.	Passed	66.1%	33.9%
Referendum	RM	Protects victims' rights.	Passed	91.1%	8.9%
Oregon					
Ballot Measure 26	RM	Changes the principles that govern laws for punishment of crimes, repealing "vindictive justice" prohibition, and adding responsibility, accountability and societal protection to criminal punishment principles.	Passed	66%	34%
Ballot Measure 27	RM	Provides that new administrative rules stay in effect only with legislative approval.	Failed	27%	73%
Ballot Measure 28	RM	Repeals certain residency requirements for state veterans' loans.	Passed	54%	46%
Ballot Measure 29	RM	Limits tenure of governor's appointees to 90 days after term ends.	Failed	26%	74%
Ballot Measure 30	RM	Requires the state to pay local governments costs of state-mandated programs.	Passed	56%	44%
Ballot Measure 31	RM	Prohibits obscenity from receiving greater protection than under the U.S. Constitution.	Failed	47%	53%
Ballot Measure 32	PR	Authorizes bonds for Portland area light rail and other transportation projects.	Failed	47%	53%
Ballot Measure 33	DI	Provides that the legislature cannot amend lawsPassedby voters for five years following their enactment.	Failed	49%	51%

State Measure	Type	Description	Pass/Fail	For	Against
Ballot Measure 34	DI	Repeals 1994 bear/cougar initiative, which banned the use of dogs to hunt black bear or cougar, and prohibited the use of bait to attract black bear. Gives State Fish and Wildlife Commission exclusive wildlife management authority.	Failed	44%	56%
Ballot Measure 35	DI	Restricts bases on which health care providers may receive pay to: (1) work performed; (2) an hourly wage; (3) salary and benefits; (4) bonuses paid for work performed; and (5) reimbursement for expenses.	Failed	35%	65%
Ballot Measure 36	DI	Increases the minimum wage to \$6.50 per hour over a three-year period.	Passed	56%	44%
Ballot Measure 37	DI	Broadens the type of beverage containers requiring deposit and refund value to include all beverage containers except those specifically excluded (dairy, distilled spirits, and wine with an alcohol content greater than 8% by volume.	Failed	40%	60%
Ballot Measure 38	DI	Prohibits livestock in or near polluted waters.	Failed	36%	64%
Ballot Measure 39	DI	Prohibits passage of any law that prohibits a person from seeking or receiving services from that person's chosen category of health care provider, as long as the provider is licensed or regulated by the state, and is providing services within the provider's legal scope of practice.	Failed	44%	56%
Ballot Measure 40	DI	Enacts a victims' rights amendment.	Passed	58%	42%
Ballot Measure 41	DI	Elevating the existing statutory right of public access to public employee compensation information to a constitutional right.	Failed	34%	66%
Ballot Measure 42	DI	Requires testing of public school students.	Failed	34%	66%
Ballot Measure 43	DI	Reinstates the public safety employees collective bargaining law in effect before 1995, which limited required issues for bargaining, reduced categories of public employees allowed to unionize and permitted employee discharge in most situations.	Failed	43%	57%
Ballot Measure 44	DI	Increases the cigarette tax from 1.4 to 2.9 cents per cigarette. Cities, counties, the general fund and the Transportation Department receive a small %age of the increase, the majority goes to the Oregon Health Plan and tobacco use reduction programs.	Passed	44%	56%
Ballot Measure 45	DI	Raises public employees' normal retirement age (except police or firefighters), bars medical benefits for non-disability retirees and limiting guaranteed benefits.	Failed	34%	66%
Ballot Measure 46	DI	Requires that new taxes be approved by a majority of registered voters.	Failed	12%	88%

State Measure	Type	Description	Pass/Fail	For	Against
Ballot Measure 47	DI	Limits the amount of property taxes that may be collected, and requires voter approval for new or increased property taxes. For the 1997-98 tax year, reduces the amount of property tax that is imposed to the lesser of 90% of the property tax imposed for the 1995-96 tax year or 100% of the property tax imposed for the 1994-95 tax year. After 1998, it limits the property tax increase to 3% each year.	Passed	52%	48%
Ballot Measure 48	DI	Instructs state legislators to vote for a federal term limits constitutional amendment, and requires identification on the ballot of incumbent candidates who acted in opposition to this instruction.	Failed	48%	52%
Rhode Island					
Question 1	RM	Authorizes the state to issue its general obligation bonds, refunding bonds and temporary notes in an amount not to exceed \$80.18 million for transportation purposes.	Passed	56.1%	43.9%
Question 2	RM	Authorizes the state to issue its general obligation bonds, refunding bonds and temporary notes in an amount not to exceed \$40.6 million for an infrastructure upgrade of telecommunications systems for the University of Rhode Island, Rhode Island College and Community College of Rhode Island.	Passed	53.7%	46.3%
Question 3	RM	Authorizes the state to issue its general obligation bonds, refunding bonds and temporary notes in an amount not to exceed \$33,803,485 for higher education purposes.	Passed	54.2%	45.8%
Question 4	RM	Authorizes the state to issue its general obligation bonds, refunding bonds and temporary notes, in an amount not to exceed \$72 million for Quonset Point/Davisville development purposes.	Passed	60.3%	39.6%
Question 5	RM	Authorizes the state to issue its general obligation bonds, refunding bonds and temporary notes, in an amount not to exceed \$4 million. Provides funds for the purchase of land to protect the state's natural and recreational resources, and for the purchase of development rights by the Agricultural Land Preservation Commission to preserve farmland throughout the state.	Passed	57%	43%
Question 6	RM	Authorizes the state to issue its general obligation bonds, refunding bonds and temporary notes in an amount not to exceed \$5 million. Provides funds to the Rhode Island Economic Development Corporation to be used to establish and administer a revolving loan program in connection with environmental remediation.	Failed	37.3%	62.7%

State Measure	Type	Description	Pass/Fail	For	Against
Question 7	RM	Authorizes the state to issue its general obligation bonds, refunding bonds and temporary notes in an amount not to exceed \$18.5 million. Provides funds for the repair and renovation of state-owned facilities and the acquisition of specialized equipment and renovations at state-owned facilities.	Failed	41.3%	58.7%
Question 8	Referred by Governor	An advisory referendum supporting the adoption of direct voter initiative, which would allow voters to amend the state constitution and enact statutes without the approval of the General Assembly. (A constitutional amendment would have to be approved by the legislature and the voters in order for direct voter initiative to be instituted.)	Passed	53%	47%
South Carolina					
Constitutional Amendment 1	RM	A. Adds the "Victims' Bill of Rights" B. Denies bail to persons charged with violent offenses.	A. Passed; B. Passed	A) 89; B) 87%	A) 11%; B) 13%
Constitutional Amendment 2	RM	A. Provides that no person is eligible for the offices of State Senator or State Representative who has been convicted of a felony under state or federal law or a violation of certain election laws, or who has pled guilty or nolo contendere to these offenses. B. Prohibition does not apply to a person who has been pardoned or who files for the office 15 years or more from the date the sentence has been served. C. Allows a person who becomes 18 years old by the date of the statewide General Election to register to vote and vote in any election during the calendar year in which that person becomes 18.	A. Passed B. Passed C. Passed	A 87%; B 86%; C 80%	A. 13%; B. 14%; C. 20%
Constitutional Amendment 3	RM	Deletes the requirement that a citizen of the U.S. and of South Carolina is entitled to vote only in the precinct of his residence and that any registered elector who has moved his place of residence during the 30 days immediately prior to the date of an election is entitled to vote in his previous precinct of residence.	Passed	79.8%	20.2%
Constitutional Amendment 4	RM	A. Increases the age requirement from 26 to 32 years old and the years of law practice requirement from five to eight years for justices of the South Carolina Supreme Court and judges of the Court of Appeals and the Circuit Court. B. Creates a merit selection commission to nominate candidates for elected judicial positions in the state.	A. Passed B. Passed	A. 83.7%; B. 82%	A. 18%; B. 16.3%
Constitutional Amendment 5	RM	Establishes a five-member State Retirement System Investment Panel and allows a portion of the funds of state-operated retirement systems to be invested and reinvested in stocks of U.S. corporations that are registered on a national securities exchange.	Passed	72.4%	27.6%

State Measure	Type	Description	Pass/Fail	For	Against
South Dakota					
Constitutional Amendment A	RM	Regulates permanent education funds to be invested by the state investment council.	Passed		
Constitutional Amendment B	RM	Prohibits increases in taxes unless by peoples' initiative or two-thirds vote by each chamber of the legislature.	Passed		
Initiated Measure 1	DI	Requires South Dakota's U.S. Representatives and Senators to support an amendment to the S.D. Constitution establishing term limits of three terms for U.S. Representative and two terms for U.S. Senator. If the Senator or Representative does not support the term limits amendment, the Secretary of State is required to note this fact next to the candidate's name on the ballot.	Passed	68%	32%
Utah					
Proposition 1	RM	Creates a property-tax exemption for disabled veterans who were disabled in the line of duty in any military conflict or maneuver.	Passed	70%	30%
Proposition 2	RM	Makes technical corrections proposed by the Utah Constitutional Revision Commission to the tax article.	Passed	70%	30%
Proposition 3	RM	Changes the number of jurors serving in felony and misdemeanor cases.	Passed	70%	30%
Proposition 4	RM	Allows local school districts to use the state's credit rating in financing capital facilities.	Passed	81%	19%
Proposition 5	RM	Expands the types of revenue sources that are allowed to go into the State School Fund to include bequests, donations and other revenues and assets defined by law to fund the trust.	Passed	80%	20%
Proposition 6	RM	Allows the state to use income taxes to fund higher education and public education systems.	Passed	63%	37%
Virginia					
Proposed Constitutional Amendment 1	RM	Allows funds in the governmental employees retirement system only to be invested in trust funds, and be invested and administered solely in the interests of the members and beneficiaries of the system.	Passed	83%	17%
Proposed Constitutional Amendment 2	RM	Requires that victims of crime be treated with fairness, dignity and respect in the criminal justice process and provides that the General Assembly may define, by law, the rights of victims of crime.	Passed	84%	16%

State Measure	Type	Description	Pass/Fail	For	Against
Proposed Constitutional Amendment 3	RM	Authorizes the General Assembly to allow the Commonwealth the right of an appeal in all cases, including criminal cases, provided that the appeal would not violate the Virginia or U.S. Constitutions.	Passed	70%	26%
Proposed Constitutional Amendment 4	RM	Revises the form for voter registration applications and allow voters who move within Virginia to vote in their former precincts under the conditions and time limits provided by law.	Passed	74%	26%
Proposed Constitutional Amendment 5	RM	Removes the language which prohibits the General Assembly from passing a law permitting incorporation of any church or religious organization.	Failed	49.5%	50.41%
Washington					
Initiative 173	RM	Requires the state to provide scholarship vouchers for use at any public or private school.	Failed	35%	65%
Initiative 177	RM	Requires school districts to conduct elections to start independent public schools with their own governing boards.	Failed	35%	65%
Initiative 655	RM	Prohibits hunting black bear with bait, or hunting of bear, cougar, bobcat or lynx with dogs.	Passed	63%	37%
Initiative 670	II	Requires the Secretary of State to place on the ballot a notice concerning the candidates who have not supported term limits.	Failed	45%	55%
Initiative 671	PR	Allows electronic gaming on Indian lands.	Failed	44%	56%
West Virginia					
Amendment 1	RM	Requires that all revenues arising from the sales of hunting and fishing permits and licenses be expended for fish and wildlife	Passed	79%	21%
Amendment 2	RM	Requires that all revenues from the sales of specialized nongame wildlife motor vehicle registration plates in excess of revenues otherwise dedicated to the Road Fund be expended solely for nongame wildlife resources.	Passed	72%	28%
Amendment 3	RM	Provides for the improvement and construction of safe roads.	Passed	72%	28%
Wisconsin					
Ballot Question 1	N/A	Constitutional amendment to prohibit a person convicted of a misdemeanor or involving a violation of public trust or a felony from holding public office.	Passed	68%	32%

State Measure	Type	Description	Pass/Fail	For	Against
Wyoming					
Constitutional Amendment A	RM	Authorizes the legislature to apportion for the election of Senators and Representatives at, or before, the first budget session in an even-numbered year, following the decennial census.	Failed	48%	52%
Constitutional Amendment B	RM	Eliminates exclusions from the elective franchise based solely upon mental status unless a person is adjudicated to be mentally incompetent.	Passed	66%	34%
Constitutional Amendment C	RM	Permits the legislature to authorize the investment of state permanent funds in shares of capital stock of corporations under such conditions as the legislature prescribes.	Passed	64%	36%
Constitutional Amendment D	RM	Changes the name of the Judicial Supervisory Commission to the Commission on Judicial Conduct and Ethics, and strengthens the Commission's authority to discipline or remove judges for misconduct.	Passed	89%	11%
Referendum 1	II	Repeals 1995 Senate Enrolled Act 4 which extended from six to twelve years the length of legislative service or "term limit" a state representative may serve.	Failed		
Initiative 1	PR	Calls for all members of the Wyoming congressional delegation, state legislature and the governor to vote for all measures necessary to institute term limits for members of Congress, and requires statements to be printed on ballots next to candidates names declaring failure to support term limits.	Failed		

Sources: Public Affairs Research Institute of New Jersey, *Final Results, 1996 Initiatives and Referenda on Statewide Ballots* (New Jersey: The Institute, November, 1996); Kenneth Mulligan, *Statewide Measures on the 1996 General Election Ballot*, available from <http://www.fceref.org/sbi1996/sbilist.htm> (October 1996); Internet; and *1996 Ballot Measures*, available from <http://www.stateside.com/ballot.html> (November, 1996); Internet.

RM: Referred Measure

II: Indirect Initiative

DI: Direct Initiative

PR: Popular Referendum

NOTES

¹ In Ontario, see the *Municipal Act*, R.S.O. 1990, c. M.45, s. 207 para. 25.

² Michael J. Smither, *By-Law and Question Voting Law*, 9th ed., Item 1288 (St. Thomas, Ontario: Municipal World Inc., 1994), p. 1.

³ In Ontario, Bill 86 repeals the provisions of the *Municipal Act* governing the authority to submit questions and by-laws to the electors. It substitutes a somewhat broader authority under s. 8 of the *Municipal Elections Act* (contained in the Schedule to the Bill). Section 8 gives municipalities the same authority as they previously had to submit a proposed by-law or a question on a matter within the municipalities' jurisdiction to the electors but extends this authority to elected local boards, upper-tier municipalities and the Minister. The Bill also removes the current requirement to obtain the approval of the OMB to submit a question or by-law at any time other than at the next municipal election. As a result, votes can be held when deemed appropriate by the sponsor.

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